UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,746	10/02/2003	Kenneth Salwitz	13910-012001/2003P00027US	6621

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ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 December 2010_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-6,8-10,19-24 and 26-28_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-6,8-10,19-24 and 26-28_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is a **FINAL** Office Action on the merits in response to communications filed on December 6, 2010. Currently, claims 1-6, 8-10, 19-24, and 26-28 are pending and have been examined.

Response to Arguments

Applicant's arguments filed on December 6, 2010 have been fully considered but they are not persuasive. Applicant argues that Wood does not disclose "changing, via the processing device, the operative version by combining existing operative version data with changes to the simulation version from the second objects, the operative version comprising third objects that correspond to combinations of first and second objects." Examiner respectfully disagrees.

Wood discloses storing a simulation version of a project baseline usable by a network scheduling tool (NST), where the baseline has many different objects associated with it. (See tables in columns 12, 13, 15, and 17-20 and figure 5, disclosing objects associated with the NST baseline). The NST baseline is copied to a performance measurement tool (PMT). (See figure 9A: item 11; figure 10: item 11 and associated text; figure 11 and associated text; column 4: lines 31-35). The NST (simulation) version can then be augmented by associating new objects with the objects already in place, where the original objects are not altered. (See column 17: line 60 through column 21: line 19, where the tables show status data objects used to augment the original objects; see also column 21: line 20 through column 22, specifically column 22: lines 41-44, disclosing revising the baseline by adding a new record). The PMT (operative) version is changed by combining existing object data with the augmented object data imported from the

NST (simulation) version. (See column 17: line 60 through column 21: lines 19, disclosing copying the status data objects to the PMT; the new objects are associated with the existing objects through their usage of a common "Work Breakdown Structure Identifier"; column 21: lines 29-35, disclosing transferring baseline revisions to PMT).

Wood discloses changing, via the processing device, the operative (PMT) version by combining existing operative version data (the baseline data initially copied to PMT) with changes to the simulation (NST) version from the second objects (the status or revision data added to the NST version, which is then copied to the PMT version), the operative version comprising third objects that correspond to combinations of first and second objects (after the status or revision data is copied, the PMT will have work breakdown structure (WBS) objects that are a combination of the initial data already in PMT and the status or revision data that is added; all data objects are associated via a work breakdown structure identifier). Thus, Wood discloses the claimed limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood (US 5,381,332).

Claim 1: Wood discloses a method performed on a processing device, comprising:

- storing, via the processing device, a simulation version of a project baseline, the simulation version comprising first objects that define elements of the project baseline (see column 10: lines 51-62, disclosing creating a project baseline; column 11: lines 35-40, disclosing storing the baseline; figure 9A: item 19; column 10: lines 40-50; see tables in columns 12, 13, 15, and 17-20 and figure 5, disclosing objects associated with the NST baseline);

- copying, via the processing device, the simulation version to create an operative version of the project baseline (see figure 9A: item 11, disclosing transferring the initial baseline from viewpoint to control; figure 10: items 1010 and 11 and associated text, disclosing transferring the initial baseline; column 10: lines 40-63, disclosing transferring a baseline; column 21: lines 20-35; figure 11 and associated text; column 4: lines 31-35);

- augmenting, via the processing device, the simulation version by associating second objects with the first objects, the first objects being separate from the second objects and the first objects not changing when the simulation version is augmented thereby maintaining an original version of the project baseline despite subsequent baseline changes (see figure 9B: item 28, disclosing transferring revisions to the baseline from viewpoint to control; figure 10: items 1014 and 28, disclosing transferring revisions to the project baseline; column 11: lines 7-40, disclosing altering the baseline while maintaining the original version in an archive; column 23: line 64 through column 24: line 7, disclosing an original plan

baseline file and a statused file; see also column 11: lines 12-15, disclosing

producing numerous versions of NST file 512 containing baseline data; column

21: lines 20-35, disclosing that previously archived baseline data can be restored;

column 10: line 63 through column 11: line 6, disclosing statusing a baseline by

transferring status data to PMT file from NST file; column 17: line 60 through

column 21: line 19, where the tables show status data objects used to augment the

original objects; column 21: line 20 through column 22, specifically column 22:

lines 41-44, disclosing revising the baseline by adding a new record; column 23:

lines 34-58);

- changing, via the processing device, the operative version by combining existing

  operative version data in the first objects with changes to the simulation version

  from the second objects, the operative version comprising third objects that

  correspond to the combinations of first and second objects (see sections cited

  above; see specifically column 17: line 60 through column 21: lines 19, disclosing

  copying the status data objects to the PMT; the new objects are associated with

  the existing objects through their usage of a common "Work Breakdown Structure

  Identifier"; column 21: lines 29-35, disclosing transferring baseline revisions to

  PMT);

- wherein changes are effected to a portion of the project baseline in the operative

  version that succeeds a time at which the operative version is changed (see

  column 10: line 63 through column 11: line 6, disclosing updating the status of

  the baseline based on actual start and completion dates);

- obtaining, via the processing device, an earned value for a project that corresponds to the updated project baseline, the earned value being obtained via the changed operative version (see column 8: line 60 et seq., disclosing that the PMT calculates earned values; figure 6, disclosing earned value calculations; column 8: lines 3-13, disclosing calculating earned value; column 8: lines 60-68, disclosing calculating earned value via budgeted cost of work performed; column 15: line 19 through column 16: line 25, disclosing a module for calculating earned value; column 18: lines 8-62, disclosing calculating budgeted cost of work performed).

Claim 2: Wood discloses wherein the earned value is obtained based on an amount of work done on the project and a pre-assigned value for the project baseline (see figure 6, disclosing different earned value types with pre-assigned percentages; column 8: lines 60-68, disclosing calculating budgeted cost of work performed; column 18: lines 8-62, disclosing calculating budgeted cost of work performed based on a completion value or work accomplished).

Claim 3: Wood discloses wherein the amount of work done corresponds to a portion of the project that has been completed (see sections cited above; the reference discloses determining the budgeted cost of work performed).

Claims 19-21: Claims 19-21 are substantially similar to claims 1-3 and are rejected under

similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 4-6, 8-10, 22-24, and 26-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wood in view of "Microsoft Project 1998 Support Course" ("MSP

1998").

Claim 4: Wood does not explicitly disclose the limitations of this claim. MSP 1998

discloses wherein the project baseline comprises a number of tasks (see at least table on page 6-

18), each of the tasks having an assigned value (see at least pages 6-23 through 6-25; 6-28; 6-31

and 6-32); and wherein obtaining the earned value comprises: determining which of the tasks has

been completed; and combining assigned values for completed tasks (see table on page 6-28).

Both Wood and MSP 1998 are related to project management. Wood specifically

discloses adapting the teachings disclosed in the Wood reference to operate in Microsoft Project

(see column 6: lines 4-30). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the references to incorporate the earned value

techniques of MSP 1998 into the invention disclosed by Wood. This combination of known

elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claim 5: Wood does not explicitly disclose augmenting the simulation version with a task, the task being defined by the second objects, wherein the third objects account for the task prior to obtaining the earned value. However, Wood does disclose augmenting the simulation version by altering the baseline (see figure 10: items 1014 and 28, disclosing transferring revisions to the project baseline; column 11: lines 7-40, disclosing altering the baseline while maintaining the original version in an archive; column 21: lines 20-35), and wherein the alterations are accounted for prior to obtaining the earned value (see id.). However, Wood does not disclose that the alteration is the addition of a task. MSP 1998 discloses tasks (see page 6-33; also note that Microsoft Project allows users to add tasks/projects and recalculate earned values). Furthermore, Examiner takes Official Notice that it was well-known in the art at the time the invention was made to add tasks to a project (e.g. Microsoft Project allows this). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to alter the project baseline of Wood by adding a task. This combination of known elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claim 6: Wood discloses wherein augmenting comprises adding second objects to the simulation version but keeping the second objects separate from the first objects (see at least column 11: lines 35-40, disclosing archiving the original baseline).

Claim 8: Wood discloses wherein a portion of the operative version that precedes a time that the task is incorporated is unchanged (see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates).

Claim 9: Wood discloses wherein a portion of the operative version that succeeds a time that the task is incorporated is changed (see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates).

Claim 10: Wood and MSP 1998 do not explicitly disclose wherein the task is selected from among other tasks for mapping to the operative version. However, Examiner takes Official Notice that it was well-known in the art at the time the invention was made to use a selection mechanism to make decisions on a computer (e.g. a drop-down box). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select tasks for addition to the operative version disclosed by Wood. This combination of known elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claims 22-24 and 26-28: Claims 22-24 and 26-28 are substantially similar to claims 4-6 and 8-10 and are rejected under similar rationale.

<h1 style="text-align:center">Conclusion</h1>

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nandigama (US 2003/0105657), directed to a personal resource management tool including planned tasks and ad hoc tasks that are kept separate

- Ito (US 5,761,674), directed to an integrated construction project management system

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Kardos whose telephone number is (571)270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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